

LABOUR DEPARTMENT

The 19th May, 1981

No. 9(1)81-3 Lab./5705.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Alfamet Pvt. Ltd., Sector 24, Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 175 of 1978

between

SHRI DHARINDER SINGH WORKMAN AND THE MANAGEMENT OF M/S ALFAMET PRIVATE LTD.,
SECTOR-24, FARIDABAD

Present :

Shri S.R. Gupta for the workman.

Shri W.C. Sharma for the management.

AWARD

By order No. FD/78/30118, dated 30th June, 1978, the Governor of Haryana referred the following dispute between the management of M/s Alfamet Private Ltd., Sector-24, Faridabad and its workman Shri Dharinder Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Dharinder Singh was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 17th February, 1979:—

- (1) Whether the reference does not fall within the purview of section 2-A of the Industrial Disputes Act?
- (2) Whether the workman is barred from raising this Dispute?
- (3) Whether the claimant is employed elsewhere? If so, to what effect?
- (4) Whether the workman failed to abide by the terms and conditions of service? If so, to what effect?
- (5) Whether termination of Service of the workman is justified and in order?
- (6) If not, to what relief is he entitled?

And the case was fixed for the evidence of the management who examined Shri R.K. Sibal their Administrative Officer as MW-1 and Shri Budh Ram Head Time Keeper as MW-2 and closed their case. Then the case was fixed for the evidence of the workman, who examined himself as W-1 and closed his case. Arguments were heard. I now give my finding issues wise:—

Issue No. 1.—The learned representative for the management argued that this was a case of self abandonment of service, therefore, section 2-A was not applicable. On the other hand the representative for the workman pointed out demand notice Exhibit W-1 and the claim statement, in which it is alleged that the services of the workman were terminated. Section 2-A of the Industrial Disputes Act states as under:—

"Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute".

According to it termination of service of the workman otherwise than discharge, dismissal or retrenchment also falls under this section. This is a case of individual workman and dispute falls under this section. This issue is, therefore, decided against the management.

Issue No. 2.—The learned representative for the management contended that the workman was stopped from raising the present dispute in view of his application for employment Exhibit M-9. On the other hand the representative for the workman argued that it was an application for employment submitted long after his dismissal.

I find from the statement of the concerned workman that he worked in the factory namely Clutch Auto for about 6-7 months. Exhibit M-9 application for appointment is dated 26th December, 1977 and appointment letter Exhibit M-10 is dated 27th December, 1977 whereas the date of termination is 13th July, 1977. Thus Exhibit M-9 has no bearing on this issue. It is decided against the management.

Issue No. 3.—MW-2 stated that he had brought attendance register of M/s Clutch Auto Private Limited. The workman was appointed in this factory on 28th December, 1977. He remained present upto 16th November, 1978. His name did not appear in the month of December, 1978. Exhibit M-7 was issued by the company. The company had issued him a letter of appointment as temporary workman copy of application was Exhibit M-9 and appointment letter Exhibit M-10. The concerned workman stated that he worked in Clutch Auto on daily wages for about 6-7 months. On the above evidence I hold that the workman was employed with M/s Clutch Auto Private Limited from 28th December, 1977 to 16th November, 1978.

Issue No. 4.—No evidence was led by the management on this issue, therefore, this issue is decided against the management.

Issue No. 5.—MW-1 stated that letter Exhibit M-1 was written to the workman but no information was received from him. The letter was written on 25th July, 1977 copy of which was Exhibit M-2. The workman was irregular in attendance during the period of service. Abstract from attendance register was Exhibit M-3. Copy of letter of the workman was Exhibit M-5. The workman made a complaint to the Labour Inspector copy of which was Exhibit M-8. In cross examination he stated that in the month of July there were 38 workmen according to attendance register. He admitted that the workman was present in the factory on 11th July, 1977. Original of Exhibit M-1 and M-2 were sent to the workman by ordinary post. He did not know whether the workman received his letter or not. He denied the suggestion that the workman was on sanctioned leave. He also denied that he came for duty on 13th July, 1977 and was refused duty. He also denied that the workman came to him a number of times after 13th July, 1977. He could not tell by whom contents of Exhibit M-5 were written.

WW-1 stated that he worked for about 8 years in the factory. He had gone on leave for one day i.e. 12th July, 1977. He went to the factory on 13th July, 1977 for joining duty but he was not allowed to join. He went to the factory a number of times but the management went on postponing him telling that he will be taken on duty. When he lost all hopes then he was advised to issue a demand notice. Ex. W-1 was the demand notice. He further stated that he did not receive any letter from the management after 13th July, 1977. In cross examination he admitted his signatures on the original of Exhibit M-1 but denied his signatures on Exhibit M-5. He got his leave sanctioned from the Foreman. The leave was sanctioned by the Incharge as well by the Manager. He did not give any complaint to the Labour Officer or Labour Inspector in writing because he did not know the procedure. He denied his signatures on Exhibit M-10. He denied that he remained absent during his service period and stated that he was absent only when leave was sanctioned to him. WW-2 stated that he was Supervisor in the management from January, 1977 to June, 1978. The workman concerned worked under him. He obtained one day leave for 12th July, 1977. He came to the factory on 13th July, 1977 but the management did not allow him entry. Thereafter he repeatedly came to the factory but was not allowed duty. In cross-examination he stated that he used to sanction leave to the workman. The workman had given him leave application to him and he wrote recommended on it and passed the application to the Managing Director. He had told the workman to go away on leave. He never absented himself without his permission.

The representative for the management argued that the workman was absent from duty and consequently under the terms of his appointment letter his name was struck off. On the other hand the representative for the workman argued that the workman went on sanctioned leave which was proved by his Supervisor WW-2. On the next day the management refused him duty. This was not a case of abandonment.

I have gone through the evidence and letters Exhibit M-1 and M-2 purported to have been written to the workman. MW-1 stated that these were sent by ordinary post and he could not say if the letters were received by him. In such a situation reliance cannot be placed on these two letters. As regards abandonment of service by the workman I am of the opinion that the management was not justified in striking of the name without holding the enquiry into the cause of absence or whether the workman had finally intended to leave the job. The plea of the management is that striking of the name of the workman was not termination with stigma. In such a situation I find that the ratio of the case of Santosh Gupta versus State Bank of Patiala reported in 1980 II LLJ page 72 will have full play and it will amount to retrenchment.

On the above discussions, I hold that the termination of services of the workman was neither justified nor in order. I also decided this issue against the management.

Issue No. 6.—As issue No. 5 has been held against the management, therefore, the workman is entitled to reinstatement with continuity of service and with full back wages, however, he will not be entitled to any wages for the period from 28th December, 1977 to 16th November, 1978 in which he remained gainfully employed as held by me in issue No. 3.

While answering the reference I give my award that the workman is entitled to reinstatement with continuity of service and with full back wages, however the workman will not be entitled to any wages for the period from 28th December, 1977 to 16th November, 1978 in which he remained gainfully employed.

Dated the 9th May, 1981.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal Haryana,
Faridabad.

No. 445, dated 12th May, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9(1)81-8Lab./5706.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Bharat Carpets Ltd., Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 233 of 1979

between

SHRI JAWAHAR WORKMAN AND THE MANAGEMENT OF M/S. BHARAT CARPETS LIMITED, FARIDABAD
Present :

Shri K. R. R. Pillai for the workman.
Shri S. K. Sharma for the management.

AWARD

By order No. 113-79/34576, dated 7th August, 1979, the Governor of Haryana referred the following dispute between the management of M/s. Bharat Carpets Limited, Faridabad, and its workman Shri Jawahar, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Jawahar was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 4th January, 1980:—

- (1) Whether the reference is barred by an arbitration award?
- (2) Whether the reference barred as alleged in preliminary objection No. 2?
- (3) Whether the reference is vague and is barred therefore where the Government have not applied their mind in referring the dispute?
- (4) Whether the CITU union has no *locus standi* and is incompetent to raise the demands?
- (5) Whether the reference is bad for pick and choose of the portions of the arbitration award?
- (6) Whether the workman is in the habit of committing grave and serious acts of misconduct?
- (7) Whether the domestic enquiry is fair, proper and just in accordance with the principles of natural justice?
- (8) Whether the termination of services of the workman was justified, and in order?
- (9) Whether the workman is gainfully employed? If so, to what effect?
- (10) Relief?

And the case was fixed for the evidence of the management who examined Shri Lalit Joshi, Administrative Manager as MW-1 and Shri K.K. Karoli, Enquiry Officer as MW-2 and closed their case. Then the case was fixed for the evidence of the workman, who examined himself as WW-1 and closed his case. Arguments were heard. I now give my finding issue-wise:—

Issues Nos. 1 to 6 & 9.—These issues were not pressed by the management, therefore, these issues are decided against the management.

Issue No. 7.—MW-1 stated that there was an incident of violence and assault in the factory on 19th September, 1978. Complaints received in this respect were Ex. M-1 to M-8. FIR was lodged to the police, copy of which was Ex. M-9. Copies of Medicos Legal Reports were Ex. M-10 and M-11. The concerned workman was involved in the incident. A chargesheet copy Ex. M-11 was issued to him and sent to him by registered A.D. post postal receipt Ex. M-13. It was received back undelivered which was Ex. M-14 A.D. form Ex. M-15. The Enquiry Officer was appointed,—*vide* Ex. M-16. It was also sent to the workman by registered A.D. post Ex. M-17 but the same was received back undelivered which was Ex. M-18. Then it was published in a local newspaper "Shere Haryana" which was Ex. M-20. Another publication was made in the newspaper which was Ex. M-21. In cross-examination he stated that he was present in the factory on 19th September, 1978, and he had knowledge of the incident. He knew about the involvement of the concerned workman from the FIR and from other reports. Shri K.K. Karoli, MW-2, stated that he was appointed Enquiry Officer,—*vide* Ex. M-16. He held enquiry. He gave opportunity to the workman to participate in the enquiry. He sent letter Ex. M-2 by registered A.D. post which was received back and was Ex. M-23. He ordered for publication of enquiry programme in some newspaper which was published in Ex. M-25. His enquiry proceedings were Ex. M-36 which was based on the statements of the witnesses in the enquiry. Documents produced by the management in the enquiry were Ex. M-1 to M-8. Enquiry finding was Ex. M-37. The matter published in the newspaper was drafted by him and was got published by the management on his order. The contents of Ex. M-22 was his draft and was got cyclostyled by the management. The place of enquiry mentioned in Ex. M-22 was not his office. It was room No. 3 Holiday Inn Ring Road, New Delhi, which he got booked for holding of enquiry. The factory was closed and there was apprehension of labour trouble, therefore, he booked this place. He did not send a copy of finding to the workman.

WW-1 stated that on 19th September, 1978, he was in C shift starting from 12.30 a.m. He was suspended. His address was Dayal Nagar, Post Office Amarnagar, Faridabad. Other address was 2/11 Gopi Colony, Faridabad. No domestic enquiry was held against him. He did not receive any letter from the management after 19th September, 1978. He was illiterate and did not read any newspaper. The management or the Enquiry Officer did not send him any copy of enquiry proceedings. He received suspension allowance which was paid some times in the factory and some times in the Labour Office. During suspension the Postman did not offer him any letter from the management nor he refused such letters. He was a member of the union. In cross-examination he stated that on 19th September, 1978, there was no violence to his knowledge. When he went to join his duty there was a lockout in the factory and police was posted there. It continued about 72 days. He did not know the reason of the lockout, nor he found out the facts about it. He did not intimate the management about the change of his address of Gopi Colony. He did not remember if he filled any employment form at the time of his joining service. He admitted it as correct that he lived in Sarai Khwaja but did not know the name of his landlord. He did not know if he was Shri Yad Ram and he had given his address. He denied the suggestion that the Postman offered him letter Ex. M-14, M-23, M-29 and M-31. He did not receive any suspension letter but came to know of his suspension when he was paid suspension allowance. He did not enquire about the cause of his suspension from the management. He did not attend arbitration proceedings. He did not know the date of his demand notice. He was a member of the union. He did not know if paper "Shere Haryana" is published from Faridabad.

The representative for the management argued that there was violence in the factory and the concerned workman was involved into it. He was arrested by the police and still he is in judicial custody pending trial of that criminal case. There was a lockout in the factory and the matter was referred to the arbitration of Shri M. Kuttappan, I.A.S., the then Secretary to Government, Haryana, Labour and Employment Departments. He had given in his award that domestic enquiry be held into the charges levelled against and the workman. He further argued that chargesheet was sent to the concerned workman but he refused to receive the same. The management then got the same published in a local newspaper. When no reply was received enquiry was ordered which was again published in the same newspaper. In these circumstances enquiry was conducted *ex parte* and the rule of natural justice were complied with in holding of domestic enquiry. He further argued that the management in their written statement before the arbitrator in para 32 and 36 referred above holding of domestic enquiry and publication of notices in the newspaper.

The representative for the workman argued that he was not informed about the charges and the enquiry by the management or the Enquiry Officer. He contended that the newspaper was not a daily paper and its circulation was not proved. He further argued that the management cooked up false criminal case against the workman. As he was still behind the bars, therefore the management should have waited for the result of that case. He cited AIR 1958 Bombay 358 in which it was held that any *ex parte* decree be set aside when summons by registered post returned with remarks "refused" and there was statement on oath by the defendant that summon was not tendered to him. In such case failure to summon Postman was essential.

I have gone through the enquiry file and find that registered letter Ex. M-14 was sent to the workman on the address given by him in his employment form at the time of his entry into service. It was received back undelivered with the remarks "refused". Again another letter Ex. M-18 was sent to him on the same address by registered A.D. post and it was also received back undelivered being "refused". Then chargesheet was published in the newspaper Ex. M-20 and programme of enquiry was published in newspaper Ex. M-21. A notice was also sent by registered A.D. post which was received back undelivered Ex. M-23 with the remarks "refused." Another notice of enquiry was published in newspaper Ex. M-25. In these circumstances the management tried to inform the workman of the charges and enquiry and also the Enquiry Officer absent notices and published his programme in the newspaper. The contention of the learned counsel of the workman about not giving information to the workman is without any merit because ample opportunity was given to him to participate in the enquiry. The Enquiry Officer was justified in proceeding *ex parte*. I have gone through the enquiry file and find that the record contained copy of FIR Ex. M-15 which was under section 148/149, 437/506, 323/342, 323/353 and 307/379 IPC. The evidence of violence is overwhelming in the enquiry. The enquiry report is based on oral as well documentary evidence. As regards the contention of the learned representative for the workman about report of Postman, I find that a presumption of correctness is attached to a report made by a public servant in the discharge of his official duty. The management and the Enquiry Officer have gone further to get charge-sheet and notices published in the newspaper. The workman was under suspension and a police case was also against him thus it is without any merit to say that he did not know the allegations against him or the reason of his suspension, therefore, I hold that the enquiry is fair and proper and the report is based on available evidence. This issue is decided in favour of the management.

Issue No. 8.—MW-1 stated that on receipt of the enquiry report holding guilty the workman the management considered his finding and also considered his previous records and ordered his dismissal. Dismissal order was Ex. M-27 which was sent to the workman by registered A.D. post on his local as well permanent address. But the same were received back undelivered as Ex. M-29 and M-32. The dismissal order was then published in the newspaper Ex. M-33. The parties advanced arguments on the punishment issue. I have gone through the chargesheet and dismissal order. Violence is proved even by the arbitration award copy Ex. M-39. Violence is serious misconduct and it is neither in the interest of industry nor the labour force. I do not find any justification to interfere in the punishment of dismissal awarded by the management to the workman. This issue is also, therefore, decided in favour of the management.

Issue No. 10.—The workman is not entitled to any relief. While answering the reference, I give my award that the termination of services of the workman was justified and in order. The workman is not entitled to any relief.

Dated 9th May, 1981.

M. C. BHARDWAJ,

Presiding Officer, Industrial Tribunal, Haryana, Faridabad.

No. 444, dated the 12th May, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer, Industrial
Tribunal, Haryana, Faridabad.

No. 9(1)81-8Lab./5707.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XLIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Bharat Carpets Limited, Faridabad.

BEFORE SHRI M.C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 227 of 1979

between

SHRI RAMA SHANKAR WORKMAN AND THE MANAGEMENT OF M/S BHARAT CORPETS LIMITED, FARIDABAD

Present :

Shri K. R. R. Pillai, for the workman
Shri S. K. Sharma, for the management.

AWARD

By orders No. 113-79/34712, dated 7th August, 1979, the Governor of Haryana referred the following dispute between the management of M/s. Bharat Carpets Limited, Faridabad and its workman Shri Rama Shankar, of this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Rama Shankar was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and fixed their pleadings. On the pleadings of the parties, following issues were framed on 13th December, 1979:—

- (1) Whether the reference is barred by rule of *res judicata*?
- (2) Whether the enquiry is proper, just and fair in accordance with the principles of natural justice?
- (3) Whether the termination of services of the workman is justified and in order?
- (4) Relief.

And the case was fixed for the evidence of the management, who examined Shri S.L. Gupta, Enquiry Officer as MW-1 and Shri Lalit Joshi their Administrative Manager as MW-2 and closed their case. Then the case was fixed for the evidence of the workman, who examined himself and closed his case. Arguments were heard. I now give my finding issue-wise:—

Issue No. 1.—The representative for the management made a statement that he did not press issue No. 1, hence this issue is decided against the management.

Issue No. 2.—MW-1 stated that he was appointed Enquiry Officer against the concerned workman. Ex. M.3 was charge-sheet which is signed by the concerned workman. Exhibit M-6 was his letter of appointment. The workman was informed of the first date of enquiry by the management. Postal receipt was Exhibit M-7. Letter received back undelivered was Exhibit M-8. The workman was not present on the first date of enquiry, therefore he was informed about the 2nd date,—*vide* Exhibit M.9. Postal receipt was Exhibit M-10. A.D. receipt received back was Exhibit M-11. Notice of enquiry was published in the newspaper Exhibit M-12. Another notice was published in newspaper Exhibit M-13, because father's name of the workman was wrongly mentioned in Exhibit M-12. The proceedings of first date were Exhibit M-14 and of the next date Exhibit M-15. The enquiry was held ex parte because the workman did not participate. Enquiry report was Exhibit M-16. Copy of FIR produced by the management in the enquiry was Exhibit M-5. He held the workman guilty of the charges. In cross examination he stated that he sent letter Exhibit M-9 on the address given by the management. Notices were published in Exhibit M-12 and M-13 on this asking by the management. There being violence in the factory enquiry was held in Delhi. The first date of enquiry was 28th April, 1979 and the second 4th June, 1979. During this period the law, and order situation in the factory was not good.

WW-1 stated that he was suspended by the management. The dispute of his suspension was referred for arbitration, who gave award for holding domestic enquiry. But no domestic enquiry was held. He did not receive any letter from the Enquiry Officer, nor the management informed him. He attended arbitration proceedings. The management did not give him any letter there. He was a member of the union. The management was not happy with the union. He was challaned by the police. He was acquitted in that case. Copy of order was Exhibit W-1. In cross-examination he stated that he was suspended on 16th May, 1978 through a letter Exhibit W-2. He had given his address as son of Shri Ram Agyan, village Karhan, post office Barian, district Siwan (Bihar). He had given his local address as Badarpur. Number of quarter was not given. The name of colony at Badarpur was Indirapur colony. He did not live in Amarnagar colony of village Palla. He denied the suggestion that he received Exhibit M-3 of his address C/o Shri Arjan Singh, village Palla, post office Amarnagar. He denied his signatures on Ex M-3. He also denied his signatures on Ex. W-2. But he admitted charge-sheet and suspension order copy Exhibit W-2 and admitted copy Exhibit M-3. He further stated that the Postman did not offer him letter Exhibit M-4 and M-6. He denied his signatures on Exhibit M-11. He did not enquire from the management regarding the charge-sheet or domestic enquiry whenever he went to them to collect his suspension allowance. He further stated that he did not inform the management about the change of his address.

The learned representative for the management argued that the workman received Exhibit M-3 chargesheet but did not submit his explanation. He was arrested under section 323/506 copy of First Information Report was Exhibit M-5. He further argued that notices of enquiry were sent to the workman by registered A.D. post and also published in newspaper but the workman did not participate in the enquiry and the management tried his best to inform him of the enquiry. The workman deliberately did not participate in the enquiry. The Enquiry Officer held him guilty of the charges. On the other hand the learned representative for the workman argued that the address on the letters sent was not correct and the management failed in his duty to inform the workman of the enquiry, therefore, it was vitiated and not held according to the principles of natural justice.

I find from record that the workman received charge-sheet Exhibit M-3 of which Exhibit W-2 was the copy of the workman. On Exhibit W-2 and M-3 address of the workman is given as c/o Arjan Singh of village Palla, post office Amarnagar, Faridabad. Ex. M-4 also bear the same address. The remark of the postman is "refused to receive". On the enquiry notice Ex. M-6 is also the same address which was sent,—*vide* Ex. M-8 but this time the report of the Postman is that there was none in the colony of the name of addressee. Ex. M-9 is another copy of letter from the Enquiry Officer sent on Indirapur colony address. Ex. M-11 is A.D. receipt sent on permanent address of the workman intimating him the date of enquiry and it contains thumb impression of one Shrimati Dhano Devi. Notices were published in Ex. M-12 and M-13. As the workman did not participate the enquiry was held ex parte. I do not find any reason as to why the workman did not enquire from the management when he received Ex. W-2 and I presume that he must have received the letter received by his family,—*vide* Ex. M-11. The Enquiry Officer published two notices in the local newspaper. About the circulation of the local newspaper as contended by the learned representative for the workman I find force in the ruling cited by the other side 1961 I First Information Report (S.C.) page 183 in which it is held as under:—

- "Where charge-sheets sent to workmen returned unserved, the proper course for the company is to publish notices in some newspapers in the regional language in the absence of a provision in the Standing Orders for their display in the notice-board of the company. When that course is not adopted it must be held that the workmen had not notice of the charges against them and the date by which they had to submit their explanation and the date of enquiry".

Therefore, in these circumstances, the Enquiry Officer was justified in proceeding ex parte. I have gone through the enquiry file and find from documents and statements of witnesses that the finding is based on reliable evidence. I find the enquiry proper and decide this issue in favour of the management.

Issue No. 3.—MW-2 stated that the enquiry report was considered by the Director and he passed orders Ex. M-17. It was sent to the workman,—*vide* Exhibit M-19 and M-21 but the same were received back undelivered. On behalf of the workman it was contention that the concerned workman was acquitted by the judicial Magistrate of the charges under section 323/506 of I.P.C. I have gone through the judgment and find that the offence under section 323 was compounded by the injured and the other witness did not come in the witness box to make a statement. But both these witnesses appeared before the Enquiry Officer as M-W-1 and MW-2 and they supported the version of the management in the enquiry, therefore, the action of the management is quite independent of the criminal proceedings. The charge against the concerned workman is of violence and intimidation of grave misconduct. I do not find any justification to interfere in the award of punishment given by the management. This issue is, therefore, also decided in favour of the management.

Issue No. 4.—The workman is not entitled to any relief.

While answering the reference, I give my award that the termination of services of the workman was justified and in order. The workman is not entitled to any relief.

Dated 9th May, 1981.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 443, dated 12th May, 1981

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.